IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE
Criminal Application No.2213 of 2007

Jayeesh Navalshankar Joshi Applicant
Vs.
The State of Maharashtra Respondent

Mr.A.M.Bhatia for applicant.
Mr.D.R.More, APP for State.

CORAM: B.H.MARLAPALLE, J.
July 19, 2007.

P.C.

. Heard the learned counsel for the applicant who was served with a notice by the Special Executive Magistrate in Chapter Case No.2/2007. Rather than replying the said show cause notice the applicant challenged the same in Criminal Revision Application No.141 of 2007 and when the revision was taken up for hearing the learned Advocate for the applicant was absent. The learned Addl. Sessions Judge for Greater Mumbai proceeded to decide the revision on merits and dismissed the same by his judgment and order dated 27/6/2007. The learned Addl. Sessions Judge noted that by an earlier order dated 12/2/2007 the proceedings before the Special Executive Magistrate, Borivli were stayed and the applicant did not remain present before the revision court thereafter. Even otherwise it was merely a show

cause notice issued to the petitioner by the SEM and he was required to submit his reply to the same. If the reply was not found to be satisfactory, the SEM may call upon the applicant to furnish a bond of good behaviour. It was under these circumstances, the learned Addl. Sessions Judge did not find any reason to keep the revision pending.

. The view taken by the learned Addl. Sessions Judge can neither be termed as illegal or patently erroneous. The application is, therefore, rejected.

. If the applicant files a reply to the show cause notice before the SEM within a period of two weeks from today, it is directed that the same be taken into consideration on its own merits before the SEM calls upon the applicant to furnish the bond of good behaviour. By way of abundant precaution it is clarified that the period of stay granted by the revision Court will be excluded for counting the period of six months.

(B.H.MARL